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AUTHOR Carlucci, Frank C.
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ABSTRACT

The best guarantee that education will remain free of federal control is a new set of working principles under law that reassert the respective roles of each level of government. The federal role in education should be one of stimulation and leadership, rather than one of meddling in State affairs. Proposed new federal legislation, therefore, aims at the consolidation of several existing educational grant programs concerned primarily with education for the disadvantaged and handicapped children, and with vocational education and supporting services. Such consolidation should free States and localities from many restrictions that now inhibit their decisionmaking powers. In interpreting this and other educational legislation, the courts should bear in mind that the underlying issues of public education in America are broadly social in nature, and that there are still many unknowns in the educational area. Such issues should be approached prudently and with caution. (Author/WM)

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PARTIAL TEXT OF REMARKS BY
UNDER SECRETARY FRANK C. CARLUCCI
DEPARTMENT OF HEALTH, EDUCATION AND WELFARE
BEFORE THE
UNIVERSITY OF SOUTHERN CALIFORNIA LAW ALUMNI
ANAHEIM, CALIFORNIA
WEDNESDAY, SEPTEMBER 12, 1973

I am indeed happy to meet with the distinguished alumni of the University of Southern California School of Law.

There are quite a few Californians serving in Washington. One of the very best of them is your colleague in law, Caspar Weinberger....Secretary of HEW and my boss.

Cap has drawn some of the toughest assignments in the Federal government during his time in Washington. He has done those jobs where you don't make news or, if you do, it's because someone is being critical.

Cap Weinberger is too busy doing his job right to go out and hunt for 'good press.'

He believes in solving problems -- he wouldn't be in government if he didn't.

I know, I've worked side-by-side with him for two years.

He would have loved being here today. But he just got back from the Soviet Union and had to **dive** into a pile of work that won't quit. So he sent me -- with his sincere regrets and warm greetings.

EA 005 457

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I was happy to take this assignment. Few professions have a more balanced view about government and life than yours. And since lawyers live amid conflict and controversy, I thought you might enjoy hearing about a topic that generates plenty of both -- education.

Education is our middle name at HEW. It's big. It's sprawling. And it's expensive. This year, we'll spend as a Nation about $96.7 billion on it -- 6½ percent of that Federal funds;

-- and engage 30 percent of our population in the work of learning, teaching and supplying the needs of education.

We put about 8 percent of our Gross National Product into education. Americans obviously place great value on education. Our forebearers saw education as the ladder to a better life -- as the way to get something better for their children. First-generation families came here seeking an equal opportunity -- a chance to make it on their merits -- and worked hard to make it true. That same dream and that same value are now infused in the educational goals we have as a Nation. Equal educational opportunity is still considered 'the way up' for Americans who live in ghettos and rural slums.

We have already achieved much as a Nation in making free public education at the elementary and secondary level available to all children. We have built an enormous education system -- firmly under state and local control -- on

the thesis that pluralism and response to individual needs should dominate. Since World War II, we have vastly expanded the opportunities for higher education;

-- and adopted its universal availability for the qualified as a national goal.

And yet we find basic issues still confronting us and threatening to subvert these goals:

Have we achieved the quality of opportunity we cherish when we examine the output of our education system in rural poor and ghetto areas? How do we reconcile our equality goal with seriously unequal revenue sources among school districts?

And is the pluralism we prize really being achieved through the massive educational enterprises we have developed which leave parents, students, elected leaders and others frustrated and unable to affect what happens in "the system"?

Do we really understand the learning process well enough so that we respond to individual needs in our pluralistic and rapidly changing society? For example, does it still make sense to organize our higher education opportunities so that individuals are programmed into having that experience in their late teens and early twenties or not at all?

In my opinion, these issues are real and crucial. We may well be in the early stages of a major national debate and review of education rivaling in importance the major debates about civil rights and social progress in the 1960s.

I for one welcome it. I also believe that debate should be undertaken with a perspective that avoids the belief of the 1960s that all solutions are to be found in Washington.

All solutions are not be be found in Washington.

Two years ago, one of the burning issues of education surfaced right here in California in the Serrano case. The court ruled in that case that unequal methods of financing school systems violate the California Constitution.

Within a year, 50 court cases were opened on the issue of equal financing of education. Sixteen states took up the question through legislation, Constitutional amendments or study commissions. And last March, the U. S. Supreme Court recognized the issue but left its resolution up to the political process. It is quite clear that court dockets will be busy with big issues of education and educational financing for some time to come in the 1970s.

As lawyers some of you will be engaged with these questions. My hope in coming here today is that I will be helpful by putting these issues in a context that goes beyond case law and into the broader context of the major social issue that it is. By doing that, perhaps I can contribute to your perspective of the major questions and where we stand with them now.

As lawyers, one of the first steps you take in dealing with a case is to secure expert opinion. When a bridge collaspes, the testimony of a civil engineer is critical. When a man is shot, the ballistics expert is called in.

But you face grave problems if you seek expert opinion in the field of education. The simple truth is that there is much that nobody knows in this field. The most elemental process -- how people learn, and why some do and some don't -- is still unexplored territory. How educational systems should be structured, financed and evaluated are all open to opinion, guesses and testing out.

Yet, despite these wide gaps in knowledge and understanding, educate we must. And because we must, one of our principal roles at the Federal level is to delve deeply into these unknowns, come up with useable insights;

-- and foster a rational dialogue on sticky issues like financing.

Another problem constantly confronting you in the field of law and we in the field of government are laws themselves. As you know, changing events and new knowledge begin immediately to make a law obsolete from its moment of enactment.

So one of our major jobs at the Federal level is to engage in a continuing review of the existing body of law in a given field;

-- and come up with recommendations for updating it, based on the new insights and technology gained in the interim.

Our primary starting point in updating educational law is that basic insight I mentioned earlier -- a simple recognition that there's much our educators simply do not know.

They do not know, for instance, why some children learn and some don't;

-- or why some teachers or schools are effective and others aren't.

That's why, with the stimulus of a law enacted last year, we are building a stronger Federal capacity to conduct good research. Educational research and development has been in a sorry state. Methodology is loose; planning is absent, and when something new is learned, there is no assuring it will find its way into the classroom.

We are working to overcome that, with a National Institute of Education and a Fund for the Improvement of Postsecondary Education, all under the direction of some bright, able and dedicated people.

Another thing we don't know are all the answers in funding higher education. The Federal government pays 42.5% of the cost of higher education, but the mechanisms it employs for piping that money into colleges often serve to distort a university's own priorities;

-- and the wide variety of public and private colleges and kinds of institutions we have make it difficult to devise aid programs that are fair and helpful.

That's why the President has put a commission to work on the problem whose report will be out later this year.

But meanwhile, I have a success story in-the-making to report to you on this score: Because of another provision of law enacted last year at the President's request, we are about to realize a major breakthrough in higher education aid: A Basic Opportunity Grants program now in effect but not yet fully funded by Congress will enable every young man or woman in the Country who qualifies academically to finance an education beyond high school;

-- no matter what their family's income may be.

I call this 'first' to your attention because it means, quite simply, that we are now at the doorstep of truly achieving equal opportunity in higher education for this Nation.

Still another thing that we don't know is how children from disadvantaged backgrounds can be helped in the classroom to get on an equal educational footing with other children.

A Federal compensatory aid program to help these children has been at work seven years. It allocates extra Federal money to help these youngsters. So far, over $10 billion has been invested in it. Yet we're still uncertain how best to channel that investment for optimum impact. But we do know that we'll have to do better because 18 percent of the Nation's schoolchildren still do not learn effectively;

-- and millions leave school never learning how to read, write, add or subtract properly.

These youngsters are tomorrow's citizens -- and perhaps tomorrow's welfare cases unless we can help them now. The question is how? Clues are meager. The only broad measure we have to determine the value of compensatory aid is a very coarse one -- money. There seems to be a level at which additional money and effort invested pay off in improved learning and performance for disadvantaged children. In fact that very question of 'how much?' will surface during deliberations on some key educational legislation now before Congress.

This legislation would update the existing compensatory aid program, which does a bad job of focusing Federal money on disadvantaged children. For one thing, the present law uses out-of-date poverty income standards to tell us where and who these children are.

The new legislation would update these measures;

-- require that compensatory aid money go first to schools with the largest share of disadvantaged children;

-- and set as a goal a national average of at least $300 per disadvantaged child.

Finally, we seek a requirement that 75 percent of any Federal compensatory aid be spent teaching the basic skills that will count most in later life -- math and reading.

Another major problem we seek to renedy with this legislation is the unearthly sprawl of government education grants. Over the years, Congress has added program after program of special Federal education aid. There are now over 100 categorical programs in education.

Their number, their narrow purpose and the red tape spinoff these programs have spawned seriously limits the capacity of states and localities to plan and carry out educational programs on their own terms.

This government-by-grant distorts the proper Federal role in education;

-- cripples state and local prerogatives in education;

-- and helps to undermine the balancing of responsibility for education appropriate to the good working of our Federal system.

As a result, the Federal role in education has been drifting dangerously away from its proper role of stimulating and leading;

-- and ever nearer to a meddlesome and highly improper intrusion into state affairs.

The Administration has proposed a basic legislative remedy to reverse this trend. We propose taking about 30 existing educational grant programs and consolidating them into a few broad-purpose aid packages;

-- primarily education for the disadvantaged, handicapped children, vocational education and supporting services.

This would free states and localities from a great mass of red tape that not only consumes thousands of man-years in meaningless paperwork;

-- but also pre-empts state and local decision-making powers.

By defining only a few broad areas for Federal block grants, we can both preserve the Nation's commitments to these special groups of children;

-- and assure that states and localities are free to do their job.

Another good feature of this legislation is that we would no longer require states to submit education plans to Washington that look like telephone books. In place of that, this legislation would specify that state officials consult with citizens in drawing up educational plans and setting priorities. Sacramento shouldn't be talking to Washington about its educational priorities. It should be talking with the people of California whose children's education is at stake.

We think the bill that the President has sent to Congress is vital to education in this Country.

But we're not locked into every clause and phrase.

What we're interested in is establishing a new set of working principles under law that will get us back on track in public education;

-- with each level of government doing what it does best. That's the most efficient system. It also happens to be the best guarantee that our system of education will remain free of Federal control.

If these principles are accepted in Congress, I'm confident we can work out a piece of legislation that will be acceptable all around.

Lately, I have been meeting regularly with representatives of education groups;

-- and I have the good feeling that we are all on the same general track.

Plenty of issues still face American education in the 1970s. And some of them will work their way into the courts. The judicial process has a role to play as we grapple with these issues;

-- and you members of the legal profession may well see your share of the action as that process unfolds. If you do, I hope you will keep in mind a few basics.

Number One - the deep and underlying issues of public education in America are broadly social in nature;

Number Two - the things we don't know about education, the learning process and educational financing can hurt us if we plunge into a judicial thicket assuming that we do know. The truth is, we don't know enough. And even though this Administration has charted a strategy based on exploring these unknowns, we are all well advised to approach prudently and cautiously these burning issues when they impact on the judicial process.

And finally, no matter what we do in Washington, we will not solve all of education's problems there. Not only won't we solve them in Washington, but we shouldn't. Under our system of government, good schools and equal educational opportunity are everybody's business -- educators, states, cities, counties and not least of all, yours as citizens. In the end, it will be your commitment as citizens to the promise of education that decides how far and in what direction we move.

That's something no law passed by Congress can do;

-- and no jurist can wholly resolve alone.

It is first of all your responsibility and your decision.

Done well, it can take us a long way toward helping today's young people realize that American dream our forefathers so cherished and handed over to our safe keeping. Thank you.

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